

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A hybrid construction machine comprising:

a work tool;

an engine;

a main battery;

an auxiliary battery;

a power generator to be driven by the engine;

at least two electric motors, at least one of said electric motors being adapted to operate said work tool, the electric motors being driven by power of at least one of the power generator, the auxiliary battery and the main battery, wherein the auxiliary battery and the main battery are to be charged with the power of the power generator; ~~and~~

a switch for switching drive of the electric motors between normal power of at least one of the power generator and the main battery in a normal operation state, and auxiliary power of the auxiliary battery in an emergency operation state wherein the electric motors can not be driven by the normal power; and

an actuator-selecting switch for selecting fewer than all of the electric motors to be driven by means of the auxiliary power in the emergency operation state.

Claim 2 (Cancelled).

Claim 3 (Currently Amended): The hybrid construction machine according to claim 1 ~~or 2~~, wherein the hybrid construction machine is a hybrid excavator.

Claim 4 (Withdrawn): A control apparatus of a hybrid construction machine for executing works by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power discharged from at least the main battery, comprising:

a generator output control body for varying power output from the power generator in accordance with content of work performed by the hybrid construction machine.

Claim 5 (Withdrawn): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a manipulating lever to be manipulated by an operator; and

a work determination body for determining the content of the work on the basis of a manipulating signal from the manipulating lever and outputting the content of the work to the generator output control body.

Claim 6 (Withdrawn): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a work mode switch with which the content of work can be selected by an operator;
and

a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the generator output control body.

Claim 7 (Withdrawn): A control apparatus of a hybrid construction machine for executing work by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power of at least one of the power generator and the main battery, comprising:

a work speed regulation body for regulating work speed in accordance with content of the work when power of the power generator is a predetermined value or less.

Claim 8 (Withdrawn): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a manipulating lever to be manipulated by an operator; and
a work determination body for determining the content of work on the basis of manipulating signal from the manipulating lever and outputting the content of the work to the work speed regulation body.

Claim 9 (Withdrawn): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a work mode switch with which the content of work can be selected by an operator,
and
a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the work speed regulation body.

Claim 10 (Withdrawn): The control apparatus of a hybrid construction machine according to any of claims 4 to 9, wherein the hybrid construction machine is a hybrid excavator.